

draftminutes

Citizens Planning Commission

Regular Meeting

Monday, June 9, 2014

7:00 p.m.

City Council Chambers

1. **Roll Call**

Present: Chairman Miller, Secretary Caldwell; Commissioners: Hall, Lamour, LaRoy, Roberts, Robinson and Swartz

Excused: Vice Chairman Smith

Staff: Jeffrey Green, AICP, City Planner; Dan Swallow, AICP, Director of Economic & Community Development Division

Public: Councilperson Rafko

2. **Pledge of Allegiance**

3. **Consent Agenda**

Motion by Commissioner Lamour to approve the Agenda for June 9, 2014, as presented. Second by Commissioner Hall.

Motion passed unanimously (8-0)

(Smith excused)

Minutes

Motion by Commissioner Hall to approve the Minutes of the May 12, 2014, Regular Meeting, as presented. Second by Commissioner Roberts.

Motion passed unanimously (8-0)

4. **Case Reviews**

None

5. Old Business

Staff provided updates on the following:

- Master Plan Goals & Objectives
 - Chairman Miller asked if the reconfigured parking on the west side of Monroe Street in the downtown was identified in the Master Plan currently being prepared? Mr. Swallow indicated that reducing the lanes from 5 to 3 had not been included. He noted that the effects of the reconfiguration may not be known for some time as alternate routes may develop as people change travel habits. After the reconfiguration, may be the appropriate time to what amenities or changes may be needed to other streets or routes as a result of the change.
 - Commissioner Swartz asked whether MDOT has approved the proposed lane reconfiguration? Mr. Swallow indicated that MDOT had not approved it, but that the City Council had and was forwarding that recommendation on to MDOT.
- Medical Marihuana / MMMA
 - Mr. Green provided an update to the commission on the status of legislation and case law related to the Michigan Medical Marihuana Act and case law.
 - Commissioner Caldwell asked if the last moratorium enacted by City Council was out of date? Mr. Green stated that he and Mr. Swallow had been researching that question and it was their determination that the moratorium had expired.
 - Commissioner Roberts recommended that we simply adopt an ordinance that met both the requirements of the Federal law and state law.
 - Commissioner Laroy asked about where medical marihuana was legal to use?
 - The commission asked that staff prepare a letter, recommending a one (1) year moratorium on requests related to medical marihuana not covered by the current legislation or case law; and that the letter be forwarded to City Council for action.
- Update on Salvage Yard Ordinance
 - Mr. Swallow reported that the proposed ordinance will be going to City Council for its first reading at the next Council meeting.
- Update on Proposed Neighborhood Enterprise Zones
 - An enlarged aerial showing the proposed combined Old Village Plat/Eastside NEZ area, which was recommended by staff at the last meeting, was given to the commission for final review. Mr. Swallow indicated that a memo will be going to City Council, if the two NEZ areas are adopted by the CPC tonight. The City Council will then adopt the NEZ boundaries and approve a resolution creating the districts. A "point-of-sale" inspection, which is required by the NEZ legislation, will also

have to be enacted by City Council once the NEZ program is implemented.

- There was brief discussion by the commission and staff on boundaries and whether specific properties were in or out of the zones.

6. **New Business**

- Hawkers, Peddlers and Transient Merchants Ordinance

Mr. Swallow briefly discussed the background relating to the Hawkers, Peddlers and Transient Merchants (HPTM) ordinance, as well as current issues. Mr. Green provided the commission with a revised HPTM ordinance, a "Hawkers and Peddlers" ordinance, and a "Transient Merchants" ordinance. He noted that these revisions had been prepared over three years ago with no action taken at that time. They may provide a starting point for current discussions.

The commission appointed a "Hawkers, Peddlers and Transient Merchants" comprised of Chairman Miller, Secretary Caldwell, Commissioner Hall and Commissioner Laroy. The subcommittee will review the current ordinance and make recommendations. Mr. Green indicated that he would schedule a meeting of the subcommittee in the near future.

7. **ASPR Committee Update**

- SPL AD 14-006 : Parking Lot Resurfacing w/ Limited Expansion at St. Mary's Catholic Church
 - Mr. Green indicated that the ASPR Committee had reviewed the project with representatives of the church and Jim Jacobs, the project's architect. The committee approved the request with minor revisions.

8. **Communications**

Chairman Miller read a communication that he had received from the Mayor's Office appointing Councilperson Gloria Rafko as Council Liaison to the Citizens Planning Commission. Chairman Miller welcomed Councilperson Rafko.

9. **Commissioner Comments**

Commissioner Caldwell welcomed Councilperson Rafko.

Commissioner Lamour stated that he feels our ordinances and actions should take into consideration those persons and businesses in town that pay property taxes and are established.

10. **Staff Comments**

Mr. Swallow addressed the status of the sign ordinance. He indicated that the last review by City Council indicated a general support for the ordinance with the exception of the electronic changeable message signs. He noted that Matt Wallace with the Planning Department has been updating the ordinance for final review.

Mr. Swallow also noted that murals had been brought up and it may be an issue we want to discuss as part of the sign code amendments.

11. **Public Comment**

None

13. **Planning-Related Articles**

- Michigan Medical Marijuana Act, Initiated Law 1 of 2008
- Definitions and Frequently Asked Questions; www.michigan.gov
- "Michigan Medical Marijuana Law Has 'Somewhat Disastrous' Conflict With Federal Law, Judge Says." April 23, 2014; <http://blog.mlive.com>
- "Michigan Medical Marijuana Act." March 22, 2014; <http://michiganradio.org>
- "Michigan Supreme Court Rules Local Laws Can't Ban Medical Marijuana." February 7, 2014; www.freep.com
- "Changes to Michigan's Medical-Marijuana Law Kick in Monday." March 31, 2013; <http://blog.mlive.com>

14. **Adjournment**

Commissioner Hall made the motion "To adjourn." Seconded by Commissioner Swartz.

Motion passed unanimously.

jlg: 6.11.2014